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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,903	01/17/2006	Craig F. Farrill	1547USWO	7166
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GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			EXAMINER	
			HUYNH, NAM TRUNG	
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			12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,903

Applicant(s)

FARRILL ET AL.

Examiner

NAM HUYNH

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-16 in the reply filed on 12/8/08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Edwards (US 2004/0228292).

Regarding claim 1, Edwards teaches an apparatus (system control) for providing group voice services in a wireless network (figure 3, item 308), comprising:

a real-time exchange that interfaces to the wireless network to provide a full-duplex Push-to-Conference (P2C) session between an initiator and two or more other participants, wherein the P2C session comprises a full-duplex conference call

(paragraph 11), and both the real-time exchange and handsets participating in the P2C session communicate with each other using call setup (dispatch call) and in-band signaling (channel resources) within the wireless network (paragraphs 12, 18).

Regarding claim 2, Edwards teaches the participants comprise one or more contacts, one or more groups of contacts, or a subset of a group of contacts (paragraph 21).

Regarding claim 3, Edwards teaches the initiator initiates the full-duplex P2C session by invoking "Push-to-Conference" on their handset (paragraph 21).

Regarding claim 4, Edwards teaches the initiator upgrades an established half-duplex Push-to-Talk (P2T) session to the full-duplex P2C session by invoking "Upgrade to Conference" on their handset (paragraphs 11, 16; activating a key or menu item for full duplex dispatch).

Regarding claim 5, Edwards teaches the initiator's handset signals the real-time exchange via the wireless network, and the real-time exchange initiates and manages the full-duplex P2C session (paragraph 18).

Regarding claim 6, Edwards teaches the real-time exchange causes the wireless network to perform call setup with the other participants for the full-duplex P2C session, and the real-time exchange initiates and manages the full-duplex P2C session (paragraphs 11, 12, 18).

Regarding claim 7, Edwards teaches the real-time exchange causes the wireless network to signal the other participants to join the full-duplex P2C session (paragraph 21).

Regarding claim 9, Edwards teaches the real-time exchange mixes audio streams from the initiator and other participants, and delivers these mixed audio streams to the initiator and other participants (paragraphs 12, 18).

Regarding claim 12, Edwards teaches initiator can downgrade the full- duplex P2C session to a half-duplex P2T session (paragraph 11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards (US 2004/0228292) in view of Boyle et al. (US 6,606,305) (hereinafter Boyle).

Regarding claim 8, Edwards teaches the limitations set forth in claim 1, but does not explicitly teach that the other participants invoke "Join Conference" on their handsets to join the full-duplex P2C session. Boyle discloses an apparatus, method,

and system for automatic telecommunication conferencing and broadcasting. Boyle teaches that an end user decides to join or not join a session by entering a code on their handset (column 6, lines 30-48). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile stations of Edwards to allow a recipient of the full-duplex call to indicate whether or not he/she wants to join, as taught by Edwards, in order to increase the flexibility of the system by giving the recipient the capability to accept/reject the full-duplex dispatch call.

Regarding claim 16, Edwards teaches the limitations set forth in claim 1, but does not explicitly teach that the full-duplex P2C session continues when the initiator disconnects the call, if at least two of the other participants do not disconnect. Boyle teaches that the conference communication session is maintained until the last two end users terminate the call (column 7, lines 8-19). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Edwards to allow the full-duplex call to be maintained when particular participants disconnect, as taught by Boyle, in order to allow participants who want remain on the conference line to communicate and allow others to join at a later time if desired or needed.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards (US 2004/0228292) in view of Sarkar et al. (US 7,236,580) (hereinafter Sarkar).

Edwards teaches the limitations set forth in claim 1, but does not explicitly teach the initiator and other participants can choose to remain silent by invoking a "mute"

option on their handsets, which causes the handset's microphone to be muted. Sarkar discloses a method and system for conducting a conference call. Sarkar teaches that a passive participant may mute his/her audio output and listen to a conference call. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Edwards to allow a participant of the full duplex call to mute his/her audio output, as taught by Sarkar, in order to allow a call conference participant to selectively participate in the conference call while attending to another matter.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards (US 2004/0228292) in view of Ahmed et al. (US 7,085,364) (hereinafter Ahmed).

Edwards teaches the limitations set forth in claim 1, but does not explicitly teach the initiator can add or drop participants during the full-duplex P2C session. Ahmed teaches that an initiator of a conference call can drop or add participants during the call (column 7, lines 43-65). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Edwards to include the ability to add drop users during the call, as taught by Ahmed, in order to allow the initiator of the full duplex call to more efficiently manage the participants of the call thus increasing the flexibility of the system.

9. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards (US 2004/0228292) in view of Wilson (US 6,192,119).

Regarding claim 13, Edwards teaches the limitations set forth in claim 1, but does not explicitly teach all charges related to the full-duplex P2C session are charged to the initiator. Wilson teaches billing the initiator of the conference call for the call as a known concept (column 1, lines 30-47). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Edwards, to include the capability to charge the initiator of the conference call for all charges, as taught by Wilson, in order to allow the conference initiator to bear the cost of all calls which is better suited for business conferencing or social chatlines.

Regarding claim 15, Edwards teaches the limitations set forth in claim 1, but does not explicitly teach the initiator and other participants in the full-duplex P2C session are all charged for usage. Wilson discloses telephone conferencing systems (title). Wilson teaches the billing of all participants of a conference call (column 1, lines 30-47). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Edwards to include the capability to charge all participants of the full duplex call, as taught by Wilson, in order to allow all individual participants to bear the costs of their own calls which is better suited for residential or domestic use.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards (US 2004/0228292) in view of Botterell et al. (US 3,912,874) (hereinafter Botterell).

Edwards teaches the limitations set forth in claim 1, but does not explicitly teach the full-duplex P2C session is terminated when the initiator disconnects the call, even if

the other participants do not disconnect. Botterell discloses a conference arrangement. Botterell teaches that when a conference originator decides to end a conference, all the conferee ports are released (column 5, lines 40-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Edwards to allow the full duplex call to terminate when the call initiator disconnects, as taught by Botterell, in order to give full control of the call to the initiator and not allow any communication between the participants to occur without the initiator being connected to the call.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

NTH
12/16/08